

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

v.

**No. CV 16-0388 JB/SMV  
CR 09-2619 JB**

**ERNIE MARTINEZ,**

**Defendant.**

**ORDER**

This matter is before the Court, *sua sponte* under rule 4(b) of the Rules Governing Section 2255 Cases, on Defendant's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence (CV Doc. 1, 5; CR Doc. 58, 62). The Court will direct the United States to answer Defendant's motion.

IT IS HEREBY ORDERED that the Clerk is directed to forward to the United States of America a copy of Defendant's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence and supporting papers and exhibits, if any, together with a copy of this Order;

IT IS FURTHER ORDERED that, within twenty-three days of entry of this Order, the United States answer Defendant's § 2255 motion.

  

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**STEPHAN M. VIDMAR**  
**UNITED STATES MAGISTRATE JUDGE**